

REMARKS

The Examiner is thanked for the comments in the Action. They have helped us considerably in understanding the Action and in drafting this Response thereto.

It is our understanding that claims 1-30 remain pending in this application, and we proceed now with reference specifically to the numbered items in the Action.

Items 1-3, 5, and 7: These are informational in nature and are understood to require no reply.

Item 4 (§ 102(b) rejections):

Claims 1-10, 15-24, and 29-30 are rejected as being anticipated by Linehan. Respectfully this is error.

Referring to claim 1, in 4.a.i the Action states that:

Linehan teaches a system for determining communications events, comprising:

(1) a key server to release keys to communicating parties, wherein said keys are encryption keys to encrypt or decryption keys to decrypt the communications and said communicating parties include originators seeking to create and recipients seeking to view the communications (column 4, lines 64-67 through column 5, lines 1-16; column 7, lines 46-52; of Linehan); (here and herein after, bold emphasis removed from the original and underline emphasis added)

In the cites Linehan teaches a key server, but there is no teaching or suggestion that it releases keys to “*communicating parties*.” Linehan’s keys also are not used to encrypt or decrypt “*communications*.” Rather, they are to encrypt data files prior to storage in data file memory (e.g., a file server) and to decrypt such data files after retrieval from such data file memory.

Continuing, the Action states that Linehan teaches “(2) *for each of the communications, said key server*” With respect to Linehan teaching a key server, generally, this is redundant. With respect to communications, Applicant’s claim 1 recites that such are between communicating parties and nothing in Linehan teaches or suggests any form of party-to-party communications.

Continuing, the Action states that Linehan teaches a key server to “(3) *assign an identifier (column 7, lines 35-36 of Linehan).*” The cite merely discusses tickets identifying users, not communications as in Applicant’s claim 1. Further, Linehan does not even state that its

tickets are assigned by its key server. It is silent with respect to what assigns its tickets, and in the cite it merely discusses the nature of its tickets and that they ultimately are stored in its key server.

Continuing, the Action states that Linehan teaches a key server to “(4) *store a record in a database that includes said identifier, a respective said decryption key, and respective controlling events (column 7, lines 39-45 and lines 60-64 of Linehan).*” The first cite here merely supports that Linehan’s key server can include entries in a database in which its file encryption key can be stored. However, in reciting what is included in these entries it is notable that Linehan does not say that it stores its tickets here. But even if it did, its tickets identify its users, not communications by users.

It has apparently been overlooked that claim 1 recites that Applicant’s key server [1] releases encryption or decryption keys and [2] stores decryption keys. As well known in the art, cryptography keys can be either symmetric or asymmetric. Symmetric cryptography uses a single key for both encryption and decryption. In contrast, asymmetric cryptography uses a pair of different keys, one to encrypt and the other to decrypt. From both cites to Linehan here it is clear that only symmetric cryptography is used, since the keys discussed are used for both encryption and decryption. Accordingly, even ignoring all else, Applicant’s claim 1 is an improvement over Linehan because it can employ either symmetric or asymmetric cryptography, and, when employing the latter, Applicant’s key server needs to store only the decryption key.

It has also apparently been overlooked that claim 1 recites “*controlling events.*” Neither of the cites to Linehan here teach or suggest anything about controlling events. Controlling events consist of a set of actions taken by an originator to control when and how many times a recipient can view a communication (see e.g., paragraph [0240] in the application as published).

Continuing, the Action states that Linehan teaches a key server to “(5) *receive zero, one, or more requests for said decryption key, wherein said requests include said identifier (column 7, lines 46-64 of Linehan).*” However, as discussed above, Linehan’s tickets identify users and therefore are not equivalent to Applicant’s identifiers of communications.

Continuing, the Action states that Linehan teaches a key server to:

(6) *determine at least one member (e.g., user computer) of the set consisting of positive events (e.g., forwarding the tickets, identify the user, etc..) and negative events (e.g., keeps the password - therefore no action is taken) based on said controlling events and how many said requests (e.g., tickets) are received*

or when any said requests are received (column 3, lines 10-21; more positive events, such as user actions, describes in details in column 8, lines 1-17 of Linehan).

The first parenthetical here is either incomplete or nonsensical. As is well known, a computer is
5 an object, not a member of a set of events.

Positive events consist of a set of actions taken by a recipient of a communication (see e.g., paragraph [0240] in the application as published). Accordingly, the forwarding of a ticket and having identified a user are not positive events in the present context. Even without reading the present application, one of ordinary skill in the art upon reading claim 1 will readily
10 appreciate that the context is communications between communicating parties, and that a positive event here is a determination of something positive about an event occurring with respect to a communication. Forwarding a ticket (identifying a user) says nothing about a communication by such a user. For example, if a user sends 100 e-mails, identifying the user does not even identify a specific e-mail.

Similarly, negative events consist of a set of actions that were expected from a recipient of a communication but that have not yet been initiated (see e.g., paragraph [0240]). So keeping a password (the event of not having provided a password) is not a negative event in the present context. Again, the context here is communications between communicating parties. Some examples of negative events therefore are never having received a request for a decryption key
15 for a particular communication, or having received a request for such from a party not authorized to view the communication, or having received such before or after when the communication is authorized for viewing.

Col. 3, ln. 10-21 of Linehan states nothing about events that has relevance to claim 1. This merely discusses how it generates its tickets (identifying users, not communications by
25 users). Similarly, col. 8, ln. 1-17 does not teach or suggest anything about communications events. Here Linehan discusses events with respect to its particular context, that is, with respect to data files. Specifically, it discusses the event of a file being renamed, the event of a file ownership change, and the event of a change of who may access a file. None of these are, or are even analogous to, controlling, positive, or negative events in the context of Applicant's claim 1.

In sum, other than the superficial similarities that both inventions use keys and key
30 servers, Linehan does not teach or reasonably suggest any of the limitations recited in

Applicant's claim 1. Accordingly Linehan cannot anticipate Applicant's claim 1 and this claim should now be allowed.

With respect to all of claims 2-10 and 15-16, we urge that these are allowable for at least the same reasons as patent claim 1.

5 Additionally with respect to claim 2, in 4.b the Action asserts that "*Linehan ... teaches ... said encryption key and said decryption key are the same (column 1, lines 52-53 of Linehan).*" However, what Linehan actually says (at col. 1, ln. 49-52, in its Background Of The Invention section) is that there exists prior art in which encryption and decryption keys are the same and there exists prior art in which encryption and decryption keys are different. Only by reading on
10 can one see Linehan saying that same-key methods are conventional (ln. 53-57) and then asserting that a purpose of its invention is to provide a way to manage keys used for such conventional encryption (ln. 59-62). The importance of this has relevance to claim 3, discussed next.

15 Additionally with respect to claim 3, in 4.c the Action wrongly asserts that "*Linehan ... teaches ... said encryption key and said decryption key are different (column 1, lines 53-54 of Linehan).*" In the cite (actually at ln. 51-52) Linehan merely says that there exists prior art in which encryption and decryption keys are different. Linehan does not state here that its invention uses or even that it could use this approach. In fact, in view of what is stated in ln. 59-62, Linehan is teaching away from using this approach. Accordingly, in view of all of this,
20 Applicant's claim 3 is even moreover distinguished over Linehan and should therefore even moreover now be allowed.

25 Additionally with respect to claim 6, in 4.f the Action states that "*Linehan ... teaches ... said outside source is a said originator (e.g., sender or client) (column 8, lines 37-41 of Linehan).*" This is improperly applied to claim 6. Linehan merely teaches that its clients providing data files can also provide keys. Linehan's file providers are not equivalent to Applicant's originators (which are parties who create communications (claim 1)) and Linehan's data files are not equivalent to Applicant's communications between communicating parties.

30 Additionally with respect to claim 9, in 4.i the Action wrongly asserts that "*Linehan ... teaches ... at least some of said controlling events are pre-stored in said database in anticipation of use in later said communications*" Even overlooking that Linehan does not teach or suggest

controlling events and that the workpiece elements in Linehan are data files rather than communications (i.e., messages) between parties, the cite here does not support the assertion.

Additionally with respect to claim 10, in 4.j the Action asserts that “*Linehan ... teaches ... events ... determined based on attributes received from a party (e.g., Kerberos) ...*” As is well known, however, Kerberos is not a party (i.e., a human capable of communicating messages), it is a network authentication protocol (see e.g., Linehan at col. 3, ln. 10).

Additionally with respect to claim 15, in 4.k the Action asserts that “*Linehan ... teaches ... said key server communicates data about ... events to at least one of said originator and another entity ...*” However, as discussed above, Linehan does not teach or suggest events or an originator that have relevance to Applicant’s claims.

Additionally with respect to claim 16, in 4.l the Action wrongly asserts that “*Linehan ... teaches ... wherein said another entity is a notification server (e.g., authentication server) ...*” Notification servers and authentication servers are not equivalent. A notification server notifies (see e.g., paragraph [0245]), and an authentication server authenticates.

With respect to claims 17-24 and 29-30, in 4.m the Action indicates that these correspond with claims 1-10 and 15-16. Accordingly, in view of our remarks above showing that claims 1-10 and 15-16 should be allowed we urge that claims 17-24 and 29-30 should also be allowed.

Item 6 (§ 103(a) rejections):

Claims 11-14, 25-28 are rejected as being unpatentable (obvious) over Linehan. Respectfully this is error.

Referring to claims 11 and 25, in 6.a.i the Action states that “*Linehan ... teaches ... a said controlling event specifies a time after which a said decryption key is made releasable, thereby specifying a delay before a said recipient can decrypt a said communication (column 12, lines 3-12 of Linehan)*.” However, the cite does not support this, it merely discusses the growth of database size as keys for new data files are generated and stored over time.

Continuing, in 6.a.ii the Action states “*Although Linehan discloses a specific control key is generated/released every M days, Linehan implies the delay for decrypting such communication by that M days*.” However, the Action fails to cite any support or to state any rationale for the “*Linehan implies ...*” assertion. The assertion currently is nothing more than

unsupported conjecture, and the Examiner should either withdraw the assertion or state valid support for it in the next communication from the Office.

With respect to claims 12-13 and 26-27, in 6.b the Action indicates that these correspond with claim 11 (and presumable also claim 25). Logically, in view of our remarks above showing that claims 11 and 25 should be allowed means that claims 12-13 and 26-27 should also be allowed. In fact, however, claims 12-13 and 26-27 do not correspond with claims 11 and 25. Claims 11-13 and 25-27 recite three quite different limitations. Accordingly, the rejections of claims 12-13 and 26-27 are presently unsupported.

With respect to claims 14 and 28, in 6.c the Action indicates that these correspond with claims 7 and 11. Logically, in view of our remarks above showing that claims 7 and 11 should be allowed we urge that claims 14 and 28 should also be allowed. In fact, however, claims 14 and 28 have no plausible correspondence with claim 11. However, claims 14 and 28 have close correspondence with claim 7, yet it is only rejected as being anticipated (under § 102). In view of this, there apparently is no valid reasons (certainly not one stated in the Action) for claims 14 and 28 to be rejected as obvious (under § 103).

CONCLUSION

Applicant has endeavored to put this case into complete condition for allowance. It is thought that the §102 rejections are shown to be unfounded on the prior art reference cited, and that the §103 rejections have been completely rebutted. Applicant therefore asks that all rejections now be withdrawn and that allowance of all claims presently in the case be granted.

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Respectfully Submitted,



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